

*Judgment: approved by the Court for handing down
(subject to editorial corrections)*

Delivered: 27/06/07

IN THE CROWN COURT OF NORTHERN IRELAND

THE QUEEN

v

JACQUELINE CRYMBLE, ROGER FERGUSON, COLIN ROBINSON
AND DAWN FERGUSON

McLAUGHLIN J

[1] Jacqueline Crymble and Roger Ferguson you have been convicted of the murder of Paul Crymble who died at your hands on 20 June 2004 at his home at 77 Ballybreagh Road, Aforey, Co Armagh. The trial lasted for over four months during which time the court heard much evidence of your respective lifestyles and characters; much was heard also about the personality of the deceased. Your convictions resulted from painstaking detective work by the team led so ably by Detective Superintendent Williamson, sophisticated forensic analyses of exhibits and a remarkable degree of co-operation from members of the public.

[2] Paul Crymble was just 35 years old when he was murdered. He was a dedicated and loving father to Danielle and Adam who miss him greatly and who have suffered severe emotional distress by reason of his death. They will carry the scars of what you did to their father for the rest of their lives. His mother, Shirley, has lost her last surviving child having already lost her daughter in tragic circumstances and has borne these losses in addition to the death of her husband. The death of Paul has caused her to suffer intense grief and in her victim impact statement she explained in detail how her life has been ruined by his murder, particularly because it occurred partly at the hands of his wife. She is a lady of remarkable courage and immense dignity who gave evidence at the trial with care and balance and impressed into awed silence the entire courtroom when she spoke. I accept her statement without hesitation.

[3] The picture of Paul Crymble that emerged during the trial was of a quietly spoken, honourable and caring man who had strong religious beliefs. For a significant part of his life he was involved in the Mormon Church and in consequence he abstained from alcohol for many years, although in more recent years he would appear to have relaxed strict observance of this aspect of his faith. He remained an abstemious man who rarely went outside the house except to work. He had left school at 16 but during the 1990's he secured a place at university, obtained a degree in Engineering and held an important job at the Bombardier plant in Belfast. He worked long hours and from 2002, when the family moved to Ahorey, he commuted daily.

[4] The only person ever to speak of him in terms other than of respect and endearment was Jacqueline Crymble. The way in which you spoke of him was deeply shocking and wholly malicious. The many calumnies uttered by you contained not one shred of truth. Not content with such verbal abuse you embarrassed him with your use of foul language and inappropriate behaviour in public. Finally, you commenced, and carried on for almost one year, a blatantly open affair with Roger Ferguson. It says much for his loyalty and anxiety for the welfare of your children that, even though he knew of the affair, he was reluctant to end the marriage.

[5] The evidence of many of the witnesses, clearly accepted by the jury, established that you, Jacqueline Crymble, have been driven by a lust for money and material possessions for much of your life. You boasted repeatedly about money to people you met, including several you barely knew, about what you were worth, what you were going to do with your money and allegedly that Paul abused you financially by stealing your money and not paying bills. All of this was malicious or the product of fantasy. You stated he was worth more to you dead than alive and went so far as to express this opinion publicly. These remarks caused embarrassment to those who heard them and simply reinforced them in their opinions which were adverse to you rather than to Paul. You did not have the insight or instincts to realise the impression you created or the natural inhibitions to restrain yourself. The fact that you stood to gain so much financially coupled with your behaviour and comments related to money made it obvious that the desire for financial gain was at the heart of your decision to kill your husband.

[6] I consider it much more difficult to analyse the reasons for you, Roger Ferguson, being here today to be sentenced for murder. You were a hard working man with no criminal record and from a good and law abiding family. You did not drink alcohol and often sat, in the pub in the company of a much older man drinking orange or cola. It is hard to think of a less likely image of a murderer. It has been said that you became besotted by Jacqueline Crymble and the reality of easy sex and the prospect of a life of comparative luxury led to your downfall. It was alleged you were so dominated by Jacqueline Crymble that you allowed yourself to be "ensnared" by her. I can

only assume this analysis is correct as no other plausible explanation exists. If I am correct, you demonstrate how otherwise good people are capable of committing the most appalling acts when certain circumstances combine especially powerful ingredients such as love, sex and money. Although revenge was suggested as a motive, ie a desire for same caused by a belief that Paul Crymble had harmed twins carried by Jacqueline Crymble and conceived with you, I do not consider this suggestion to be valid. You were apparently told by Jacqueline Crymble that she was expecting your twins and she had lost them when Paul Crymble “kicked them out of her”. Whilst you might have believed that for a time, you knew by 20 June 2004 that Jacqueline Crymble had been sterilised and you had been party to her attempts to have this reversed. This was yet another lie told by her to damage her husband’s reputation. When you proffered this explanation for your conduct to Colin Robinson I am sure you did so as cover for your other motives. I am satisfied both of you decided to kill Paul Crymble to enable you to gain financially and thereby remove the major obstacle to a future comfortable life together. I propose to fix your tariff accordingly.

[7] The determination of the appropriate punishment for this crime is made within the framework of the Life Sentences (Northern Ireland) Order 2001 which came into operation on 8 October 2001. It requires that in a case which involves the imposition of a life sentence, the judge is required to fix a term of imprisonment – known as the tariff – which is intended to act as retribution and deterrence given the seriousness of the offence in question. The matter of detaining a murderer in custody in order to protect the public beyond the expiration of the tariff period is given effectively to the Life Sentence Review Commissioners established by the 2001 Order. This has been well rehearsed in a number of cases and I accept that interpretation of the provisions of Article 5(1) and (2) of the Order.

[8] In England and Wales a Practice Statement was formulated in May 2002 by Lord Wolff LCJ to give guidance to judges in these cases. The background events leading to its issue and its terms are set out fully in *R v McCandless and Others* [2004] NI 269 and I need not repeat those details now. Although the Practice Statement has been superseded in England and Wales by the provisions of the Criminal Justice Act 2003 it continues to have effect in this jurisdiction: this was affirmed in *McCandless* by the Court of Appeal (see paragraph 10 of the judgment of the court) and again in *Attorney General’s Reference No 6 of 2004* when the Court headed by Sir Brian Kerr, the present Lord Chief Justice, stated that it did not consider the principles set out in the 2003 Act could be applied in Northern Ireland without legislation and so the Practice Statement of May 2002 would remain the basis for sentencing in cases of murder. I seek, therefore, to fix the tariff in accordance with its provisions.

[9] The initial step in this process is to determine whether the higher or lower starting point applies. Mr John Orr QC, who appeared with Mr Michael Campbell for Roger Ferguson, has accepted that the higher starting point must apply as this is a case falling outside the category of case described in paragraph 10 of the Practice Statement and therefore does not attract the normal starting point.

[10] Ms Jacqueline Orr QC, who appeared with Mr Tom McCreanor for Jacqueline Crymble, did not accept this analysis. She submitted that none of the categories set out in paragraph 12 applied and therefore I should look to the normal starting figure. Specifically, she said this was not a case where “the killing was done for gain (in the course of a burglary, robbery, etc).”

[11] I consider Ms Orr’s submission to be wrong for the following reasons:

- (a) the Practice Statement acts as a guide to judges and the features of the crime referred to are given by way of example only; this is obvious from the wording of the statement “such cases will be characterised by a feature which makes the crime especially serious, such as ...”;
- (b) the Criminal Justice Act 2003 in dealing with cases of murder done for gain gives as examples “a murder done in the course of furtherance of robbery or burglary, done for payment or done in the expectation of gain as a result of death”.
- (c) the culpability of both offenders was exceptionally high as this killing was clearly carried out for gain;

The expanded range of examples given in the 2003 Act is equally applicable to the original Practice Statement which the 2003 Act replaced and is appropriate in Northern Ireland. I propose to proceed, therefore, on the basis that the higher starting point applies as the killing was carried out in the expectation of a significant financial gain flowing to both of you from the death of Paul Crymble.

[12] I must then consider whether there are any mitigating or aggravating circumstances relating to either defendant or to the offence itself which should be taken into account in fixing the final tariff figure. Although Jacqueline Crymble has some minor convictions I propose to ignore these and to treat both of you as having no criminal record and as presenting little risk of offending in a manner likely to cause harm to another. I believe this offence arose from the surrounding circumstances rather than any tendency to violence on the part of either of you. Ms Orr asked me to allow something for the fact that you, Roger Ferguson, killed because you were “ensnared” by Crymble but the reality is you killed because you wished to gain from Paul Crymble’s death, you took part willingly and whilst you were in full

possession of your faculties. If anything, this points to an additional level of culpability of Jacqueline Crymble rather than mitigation of Roger Ferguson's role.

[13] The matters which I believe require consideration in deciding if aggravating factors are present either as to the accused or the offence are:

- (i) the extent, if any, of the planning or premeditation involved,
- (ii) the abuse of the relationship of trust reposed between husband and wife,
- (iii) the concealment of the body.

I do not propose to dwell on the latter as Paul Crymble's body was left in his own car in an area which was visited frequently by farmers and people shooting game. I do not consider it appropriate to describe the body as having been concealed.

[14] Counsel for both defendants suggested there was no evidence of pre planning. Ms Orr, for example, submitted:-

- the black bag and masking tape were not classic murder weapons and came from the Crymble household rather than being brought to the house
- there was no evidence that Paul Crymble's drink was spiked and he was not drugged
- the meeting with Colin Robinson at Riverside Apartments at lunch-time on the 19th could not have been part of the planning operation to set up the killing otherwise the jury would have been bound to convict him of murder
- having the children looked after in Newtownabbey that evening was consistent with a normal family "babysitting" arrangement.

[15] I am satisfied the death of Paul Crymble was planned in advance by both of you. The suggestion that you, Jacqueline Crymble, arranged to take Paul Crymble out that evening for Father's Day arising from love and affection for him is plainly false. He had just been to Barcelona for a short visit during which time you lived with Roger Ferguson in No 77 in front of his children. On the night of the 18/19 June you both spent the evening together and slept together at Pamela Logan's house whilst Paul Crymble stayed at home with his children. Love and affection for him had no place in the visit to Lynas' Bar in the hours before his death. The number and juxtaposition of the phone calls between you that evening and the ridiculous claims that you phoned Roger Ferguson just to have him collect cigarettes for you whilst you sat with your husband give the lie further to these claims. The evidence of Colin Robinson shows a carefully co-ordinated series of phone calls and manoeuvres which brought Roger Ferguson, Colin Robinson,

Jacqueline Crymble and Paul Crymble to No 77 at the same time at about 1.30 am. Clearly this was no coincidence. The absence of the children was essential for a normal night out but equally it occurred on the night Paul Crymble was killed just as on 4 May when he was clearly to be attacked at No 77. Finally, Roger Ferguson brought the cable-ties with him for the purpose of tying him up and thus disabling Paul Crymble and preventing any resistance. The case was presented to the jury as a planned killing, the evidence supported that, no other credible alternative was suggested and I am satisfied the jury convicted you on that basis.

[16] In your case Jacqueline Crymble you have been guilty of the ultimate act of treachery. You vilified your husband repeatedly to people you knew well and some you barely knew, the allegations you made were of outrageous behaviour by him which you knew to be without foundation, you flaunted your affair with Roger Ferguson and finally you took away his life. Your actions were carried out without mercy and were premeditated. You sat beside him for hours in Lynas' Bar, pretending to be his loyal wife, whilst actively plotting and planning his death. Finally, when he was helpless, like an executioner you and Roger Ferguson put a black bag over his head, sealed it around his neck, watched as he struggled to breathe and waited for him to die. The cruelty implicit in what you did would be difficult to comprehend if it involved a complete stranger, but that it was done to someone with whom you lived over many years of marriage, who provided for you, who was the father of your children and who was loved by those who knew him - particularly his mother - defies belief. Your breach of trust must be reflected in your tariff. I do not consider there are any other matters by way of mitigation to look at and none have been raised in the reports of the psychiatrist or psychologist put before me on your behalf.

[17] Finally, I remind myself that the tariff is meant to reflect the demands of retribution and deterrence so whilst neither of you may pose a significant risk it is important that others like you are made aware of the price that will be paid for taking a life for gain in these circumstances. I have been referred to the cases of R v McGinley & Monaghan and R v Graham and am fully aware of the tariffs set in those cases. They both bear strong similarities to this case and I feel constrained in setting your tariffs by the general parameters which they have set. Whilst each case must proceed on its own facts I propose to deal with you Roger Ferguson as the Court of Appeal stated was proper in the case of Gordon Graham. You provided the means to disable Paul Crymble and the physical strength to ensure he was overcome you therefore carry full responsibility for his death. Again I do not consider any further matters by way of mitigation fall to be considered and I shall fix your tariff at 18 years.

[18] You Jacqueline Crymble were guilty in different but equally culpable respects. This plan emanated from your greed and hatred of your husband:

your betrayal of him was of biblical proportions. I propose to make a distinction between you and Roger Ferguson because of that and I shall fix your tariff at 20 years.

[19] As I warned both of you in Armagh in May, you will each serve every day of those terms and when they are completed you might not be released even then, that will be a matter for the Life Sentence Review Commissioners to decide. There are many people in the community who have followed this trial with a sense of anger and bewilderment at what both of you did to Paul Crymble and who will say you should have had much higher tariffs imposed. I wish to emphasise that trial judges must try faithfully to follow the guidance given to them by the Court of Appeal and I have tried to do that in deciding upon the appropriate terms of years in your cases.